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EXAMINER

BACHNER, REBECCA M

ART UNIT PAPER NUMBER

3623

DATE MAILED: 04/11/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/550,706

Applicant(s)

TAM ET AL.

Examiner

Rebecca M Bachner

Art Unit

3623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 January 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-36 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This is a Final Office Action in response to the amendments sent January 30, 2003. Claims 1-36 are pending.

Response to Amendments

2. Applicant's amendments to claims 1 and 12 are sufficient to overcome the 35 U.S.C. §102 rejection set forth in the previous office action. Hence, all the claims are now rejected under 35 U.S.C. §103.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 1-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ralston et al. (U.S. P.N. 6,389,454) in view of Dean et al. (U.S. P.N. 6,167,379).

(Amended) As per claim 1, Ralston et al. discloses a method for providing an on-line appointment between a user and a service provider over a network, said method comprising:

(a) receiving a request for appointment availability of the service provider during a time period (see abstract, column 2, lines 53-62, and column 4, lines 46-49, an appointment request is made of the service provider for a specific time period);

(b) determining available appointment times within the time period for the service provider through use of a central appointments server having access to a central appointment database (see figures 2 and 3, abstract, column 4, lines 17-35, column 5, lines 17-60, and column 7, lines 21-35, the available appointment times within the time period for the service provider are determined through a central server which has access to the various facilities or service provider's information);

(c) transmitting the available appointment times to the user (see column 5, lines 61-67, through column 6, lines 1-12, the available appointment times are transmitted to the user);

(d) receiving a selected appointment time from the available appointment times (see column 5, lines 61-67, through column 6, lines 1-12, the user receives the available appointment times); and

(e) setting the on-line appointment between the user and the service provider at the selected appointment time (see column 6, lines 3-27, the on-line appointment is set).

Ralston et al. does not explicitly disclose a central appointment database that stores calendars for various providers. However, Dean et al. discloses scheduling appointments on a calendar and providing calendars to various users (see abstract, and column 2, lines 15-21, and 42-56). Therefore, it would have been obvious to one of

ordinary skill in the art at the time of the invention to have Ralston et al.'s on-line appointment system have an electronic calendar for each of the service providers and users as it would allow their appointments to be easily displayed.

As per claim 2, Ralston et al. discloses a method as recited in claim 1, wherein the time period is a day (see abstract, and column 5, lines 41-50, the appointments are made for a specific time during the day).

As per claim 3, Ralston et al. discloses a method as recited in claim 1,

Wherein said receiving said receiving (a) of the request for appointment availability includes a time duration for the on-line appointment (see column 5, lines 61-67, through column 6, lines 1-12, the user receives the available appointment times), and

Wherein said determining (b) of the available appointment times are those times during the time period that the service provider is available for at least the time duration (see column 5, lines 17-67, through column 6, lines 1-12, the available appointment times are times that the service provider is available for at least that time duration).

As per claim 4, Ralston et al. discloses a method as recited in claim 1, wherein said setting (e) comprises:

(e1) transmitting verification information for the on-line appointment to the user (see column 6, lines 17-24, verification information is transmitted);

Art Unit: 3623

(e2) receiving a verification of the verification information for the on-line appointment; (see column 6, lines 17-24, verification information is transmitted) and

(e3) subsequently setting the on-line appointment between the user and the service provider at the selected appointment time when the verification has been received (see column 6, lines 17-24, verification information is transmitted and the appointment is set).

As per claim 5, Ralston et al. discloses a method as recited in claim 1, wherein said setting (e) of the on-line appointment sets a requested online appointment, and wherein said method further comprises: (f) subsequently receiving a confirmation for the requested on-line appointment (see column 6, lines 17-24, a confirmation is received).

As per claim 6, Ralston et al. discloses a method as recited in claim 5, wherein said method further comprises: (g) updating the requested on-line appointment to a confirmed on-line appointment after the confirmation has been received (see column 6, lines 17-27, the appointment is confirmed).

As per claim 7, Ralston et al. discloses a method as recited in claim 5, wherein the time period is a predetermined day (see abstract, and column 5, lines 41-50, the appointments are made for a specific time during the day), and wherein the network is the Internet (see column 4, lines 17-49, the network is the Internet).

As per claim 8, Ralston et al. discloses a method as recited in claim 1, wherein said method further comprises: (f) subsequently rendering the selected appointment time for the service provider unavailable (see column 5, lines 58-59, the appointment time is inherently rendered unavailable as the appointment times are chosen from the time that the service provider is available).

As per claim 9, Ralston et al. discloses a method for providing an on-line appointment over a network, said method comprising:

(c) receiving a request for appointment availability of a selected one of the available service providers (see abstract, column 2, lines 53-62, and column 4, lines 46-49, an appointment request is made of the service provider for a specific time period);

(d) determining available time slots for the selected one of the available service providers (see abstract, and column 5, lines 17-60, the available appointment times within the time period for the service provider are determined);

(e) transmitting the available time slots to the user (see column 5, lines 61-67, through column 6, lines 1-12, the available appointment times are transmitted to the user);

(f) receiving a time slot selection from the available time slots to establish an appointment with the selected one of the available service providers (see column 5, lines 61-67, through column 6, lines 1-12, the user receives the available appointment times); and

Ralston et al. does not explicitly disclose (b) transmitting a list of available service providers to the user. However, it is old and well known in the art to transmit a list of available service providers to a user. Therefore, it would have been obvious to one of ordinary skill in the art to disclose transmitting a list of available service providers to the user as it allows the user to easily access the different service providers to schedule appointments using Ralston et al.'s online scheduling system.

Ralston et al. does not explicitly disclose (g) updating the user's electronic calendar with the appointment; and (h) updating an electronic calendar for the selected one of the available service providers with the appointment. However, Dean et al. does disclose updating the users and service providers' calendars with the appointment (see abstract, and column 2, lines 15-21, and 42-56). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have Ralston et al.'s on-line appointment system have an electronic calendar where the calendar would be updated to display an appointment as it is a written reminder for both the user and the service provider of the appointment.

As per claim 10, Ralston et al. discloses a method as recited in claim 9, wherein the request for appointment availability includes a time period (see column 5, lines 61-67, through column 6, lines 1-12, the request for appointment availability includes a time period), and wherein said determining (d) determines the available time slots for the time period (see column 5, lines 17-67, through column 6, lines 1-12, the available appointment times are times that the service provider is available).

As per claim 11, Ralston et al. discloses a method as recited in claim 10, wherein the time period is a day (see abstract, and column 5, lines 41-50, the appointments are made for a specific time during the day).

(Amended) As per claim 12, Ralston et al. discloses a computer readable medium including computer code for providing an on-line appointment between a user and a service provider over a network, said computer readable medium comprising:

- computer program code for receiving a request for appointment availability of the service provider (see abstract, column 2, lines 53-62, and column 4, lines 46-49, an appointment request is made of the service provider for a specific time period);

- computer program code for determining available appointment slots for the service provider through use of a central appointments server having access to a central appointment database (see figures 2 and 3, abstract, column 4, lines 17-35, column 5, lines 17-60, and column 7, lines 21-35, the available appointment times within the time period for the service provider are determined through a central server which has access to the various facilities or service provider's information);

- computer program code for transmitting the available appointment slots to the user (see column 5, lines 61-67, through column 6, lines 1-12, the available appointment times are transmitted to the user);

Art Unit: 3623

computer program code for receiving a selected appointment slot from the available appointment slots (see column 5, lines 61-67, through column 6, lines 1-12, the user receives the available appointment times); and computer program code for setting the on-line appointment between the user and the service provider at the selected appointment slot (see column 6, lines 3-27, the on-line appointment is set).

Ralston et al. does not explicitly disclose a central appointment database that stores calendars for various providers. However, Dean et al. discloses scheduling appointments on a calendar and providing calendars to various users (see abstract, and column 2, lines 15-21, and 42-56). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have Ralston et al.'s on-line appointment system have an electronic calendar for each of the service providers and users as it would allow their appointments to be easily displayed.

As per claim 13, Ralston et al. discloses a computer readable medium including computer code for providing an on-line appointment over a network, said computer readable medium comprising:

computer program code for receiving a request for appointment availability of a selected one of the available service providers (see abstract, column 2, lines 53-62, and column 4, lines 46-49, an appointment request is made of the service provider for a specific time period);

computer program code for determining available time slots for the selected one of the available service providers (see abstract, and column 5, lines 17-60, the available appointment times within the time period for the service provider are determined);

computer program code for transmitting the available time slots to the user (see column 5, lines 61-67, through column 6, lines 1-12, the available appointment times are transmitted to the user);

computer program code for receiving a time slot selection from the available time slots to establish an appointment with the selected one of the available service providers (see column 5, lines 61-67, through column 6, lines 1-12, the user receives the available appointment times);

Ralston et al. does not explicitly disclose computer program code for transmitting a list of available service providers to the user. However, it is old and well known in the art to have computer program code that transmits a list of available service providers to a user. Therefore, it would have been obvious to one of ordinary skill in the art to disclose transmitting a list of available service providers to the user as it allows the user to easily access the different service providers to schedule appointments using Ralston et al.'s online scheduling system.

Ralston et al. does disclose setting an online appointment (see column 6, lines 3-27). Ralston et al. does not explicitly disclose computer program code for transmitting a user's electronic calendar to a user; computer program code for updating the user's electronic calendar with the appointment; and computer program code for updating an electronic calendar for the selected one of the available service providers with the

Art Unit: 3623

appointment. However, Dean et al. does disclose updating the users and service providers' calendars with the scheduled appointments (see abstract, and column 2, lines 15-21, and 42-56). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have Ralston et al.'s on-line appointment system have an electronic calendar where the calendar display would be updated as it is a written reminder for both the user and the service provider of the appointment.

As per claim 14, Ralston et al. discloses a method for doing business over a global computer network, said method comprising:

(a) registering service providers over the global computer network to identify at least offered services, appointment hours, contact information for the registered service providers (see column 5, lines 17-50, the service providers information is provided over the global network); and

(c) registering individuals over the global computer network (see column 4, lines 50-64, the individual's information is sent over the global information network).

Ralston et al. does disclose setting an online appointment (see column 6, lines 3-27). Ralston et al. does not explicitly disclose (b) providing an on-line calendar for each of the registered service providers; (d) providing an on-line calendar for each of the registered individuals; and (e) setting of appointments with certain of the registered service providers when the appointment have been requested by any of the registered individuals, and for each appointment being set, said setting (e) at least places appointment indications on the on-line calendars of the associated one of the registered

Art Unit: 3623

service providers and the associated one of the individuals. However, Dean et al. does disclose updating the users and service providers' calendars with the scheduled appointments (see abstract, and column 2, lines 15-21, and 42-56). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have Ralston et al.'s on-line appointment system have an electronic calendar where the calendar display would be updated as it is a written reminder for both the user and the service provider of the appointment.

As per claim 15, Ralston et al. and Dean et al. disclose a method as recited in claim 14, wherein said providing (d) provides the on-line calendars for each of the registered individuals without cost to the registered individuals. However, it is old and well known in the art to not charge users for using an appointment software system. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to not charge users for the automated scheduling system as the purpose of this system is to benefit the service provider by encouraging more users to use their services.

As per claim 16, Ralston et al. and Dean et al. disclose a method as recited in claim 15. Ralston does not explicitly disclose (b) provides the on-line calendars for each of the registered service providers for a fee. However, it is old and well known in the art to charge service providers with a fee for using an appointment software system. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the

Art Unit: 3623

invention to disclose charging service providers a fee for the automated scheduling system as one often has to pay for services rendered by a machine or automated system.

As per claim 17, Ralston et al. discloses a method as recited in claim 14. Ralston et al. discloses setting an appointment (see abstract, and column 5, lines 61-67, through column 6, lines 1-27). Ralston et al. does not explicitly teach wherein the registered service providers are provided in an on-line directory, and wherein during said setting (e) of the appointments, the registered individuals are able to locate appropriate service providers using the on-line directory. However, it is old and well known in the art to have a list of all available service providers for a user. Therefore, it would have been obvious to one of ordinary skill in the art to disclose an on-line list of available service providers for the user as it allows the user to easily access the different service providers to schedule appointments using Ralston et al.'s online scheduling system.

As per claim 18, Ralston et al. discloses a method as recited in claim 17. Ralston et al. does not explicitly disclose wherein the website provides on-line calendars, and wherein as on-line appointments are made, the on-line calendars of the users are automatically updated. However, Dean et al. discloses on-line calendars wherein the calendars are automatically updated to display on-line appointments (see abstract, and column 2, lines 15-21, and 42-56). Therefore, it would have been obvious

Art Unit: 3623

to one of ordinary skill in the art at the time of the invention to disclose Ralston's on-line appointment system using calendars and updating them to display scheduled appointments as it is a reliable way for the one to keep track and remember their scheduled appointments.

As per claim 19, Ralston et al. discloses a method as recited in claim 18. Ralston et al. also discloses the various types of on-line appointments that can be scheduled by the user (see column 4, lines 65-57, through column 5, lines 1-16). Ralston et al. does not explicitly disclose wherein the on-line appointments have a duration, and wherein the duration of the on-line appointments is determined by a type of appointment. However, it is old and well known in the art that different types of appointments take a different amount of time to complete. Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to disclose that the type of appointment determines the duration of the on-line appointment as this would allow the service provider to more precisely allocate their time.

As per claim 20, Ralston et al. discloses an on-line appointment system that supports a large number of users in making appointments over the Internet, comprising:

- an appointment server coupled to the network (see column 4, lines 17-49, the appointment server is coupled to a network); and
- an appointment database coupled to said appointment server, wherein said appointment server and said appointment database together provide storage and

Art Unit: 3623

access for users and provide assistance to users to request appointments and thereafter permit confirmation the appointments (see column 5, lines 17-67, through column 6, lines 1-24, the users can request appointments and confirm them with the service providers).

Ralston et al. does not explicitly disclose the use of calendars. However, Dean et al. discloses the use of calendars (see abstract, and column 2, lines 15-21, and 42-56). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have Ralston et al.'s on-line appointment system have an electronic calendar as it is a written reminder for both the user and the service provider of the appointment.

As per claim 21, Ralston et al. and Dean et al. disclose an on-line appointment system as recited in claim 20. Ralston et al. also disclose confirmations for appointments (see column 6, lines 17-24). Ralston et al. did not explicitly disclose wherein said appointment server also provides reminders for confirmed appointments. However, it is old and well known in the art to provide reminders. Therefore, it would have been obvious to one of ordinary skill in the art to disclose reminders for confirmed appointments as it is a common and user-friendly feature that reminds the user of their scheduled appointment.

As per claim 22, Ralston et al. discloses an on-line appointment system as recited in claim 20, wherein said online appointment system further comprises: a

Art Unit: 3623

synchronization application that provides for automated review of the appointments that have been requested to determine whether the requested appointments conflict with entries in a local software calendar (see column 5, lines 17-67, through column 6, lines 1-24, the automated scheduling system checks to determine if there are any appointment conflicts).

As per claim 23, Ralston et al. discloses an on-line appointment system as recited in claim 20, wherein the users include consumers and service providers (see abstract, this automated system is for consumers and service providers). Ralston et al. disclose various service providers at various locations (see column 2, lines 30-46, the user may have appointments with different service providers). Ralston et al. do not explicitly disclose wherein said on-line appointment system further comprises a business directory of service providers. However, it is old and well known in the art to have a business directory when there is more than one service provider. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have the on-line appointment system further comprise a business directory of service providers as it allows the customer to easily locate the various service providers and easily schedule appointments.

As per claim 24, Ralston et al. discloses an on-line appointment system as recited in claim 20. Ralston et al. discloses the consumer entering personal information (see column 4, lines 50-64). Ralston et al. does not explicitly disclose wherein said

appointment database further stores user information for consumers and service providers to reduce subsequent data entry. However, storing information about the user and service provider is old and well known in the art. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have stored the consumer and service provider information as it makes the system more comprehensive as the consumer and the provider do not have to keep re-entering their information every time an appointment is scheduled.

As per claim 25, Ralston et al. discloses a method for making on-line appointments over a computer network, said method comprising:

(a) registering as a user of an on-line appointment system, said registering providing a user name, contact information, and appointment availability information for the user, the appointment availability information indicating days and times during which the user is generally available to receive appointments (see column 4, lines 50-64, the user provides contact information and appointment time preferences);

(c) scheduling appointments between users, said scheduling (c) including at least (c1) receiving an appointment request from a first registered user requesting an appointment with a second registered user (see column 5, lines 17-67, through column 6, lines 1-27, an appointment time and date are selected and scheduled); and

(c2) selecting an appointment date and time for the appointment in accordance with the appointment availability information for the second registered user and non-conflicting with any other previously scheduled appointments or events in the on-line

Art Unit: 3623

calendar of the second registered user (see column 5, lines 17-67, through column 6, lines 1-27, an appointment time and date are selected).

Ralston et al. discloses scheduled appointments or events for the respective user (see column 5, lines 61-67, through column 6, lines 1-27). Ralston et al. does not explicitly disclose (b) maintaining on-line calendars for the registered users. However, Dean et al. discloses the use of calendars in scheduling appointments (see abstract, and column 2, lines 15-21, and 42-56). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have Dean et al.'s on-line calendars for scheduling appointments in Ralston et al.'s system as it allows a both users to quickly and efficiently access their appointment times and other needed information.

As per claim 26, Ralston et al. discloses a method as recited in claim 25, wherein said scheduling (c) further comprises: (c3) scheduling the appointment for the first registered user and the second registered user at the selected appointment date and time (see column 5, lines 61-67, through column 6, lines 1-27, the appointments are scheduled).

As per claim 27, Ralston et al. discloses a method as recited in claim 25, wherein said scheduling (c) further comprises:

(c3) tentatively scheduling the appointment for the first registered user and the second registered user at the selected appointment date and time (see column 5, lines

Art Unit: 3623

1-67, through column 6, lines 1-12, the appointment is scheduled at a specific date and time); and

(c4) subsequently confirming the scheduled appointment by the second registered user (see column 6, lines 17-24, a confirmation is received).

As per claim 28, Ralston et al. discloses a method as recited in claim 25, wherein said scheduling (c) further comprises:

(c3) tentatively scheduling the appointment for the first registered user and the second registered user at the selected appointment date and time (see column 5, line 61-67, through column 6, lines 1-12, the appointment is scheduled);

(c5) subsequently confirming the scheduled appointment by the second registered user (see column 6, lines 17-24, a confirmation is received); and

(c4) providing the scheduled appointment as a tentative appointment of the first registered user and the second registered user (see column 5, lines 61-67, through column 6, lines 1-12, the appointment is scheduled);

(c6) thereafter updating the scheduled appointment from the tentative appointment to a confirmed appointment of the first registered user and the second registered user (see column 6, lines 17-24, the scheduled appointment is confirmed).

Ralston et al. does not explicitly disclose on-line calendars. However, Dean et al. discloses scheduling appointments using on-line calendars (see abstract, and column 2, lines 15-21, and 42-56). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have Dean et al.'s on-line calendars for scheduling

Art Unit: 3623

appointments in Ralston et al.'s system as it allows a both users to quickly and efficiently access their appointment times and other needed information.

As per claim 29, Ralston et al. discloses a computer implemented method for providing on-line appointment services over a global computer network, said method comprising:

scheduling on-line appointments between users and the service providers over the global computer network based on the availability information (see column 5, lines 17-27, through column 6, lines 1-17, the appointments between users and service providers is based on availability information).

Ralston et al. does disclose providing appointment availability information for the service providers (see column 5, lines 17-60, the service providers provide their availability information).

Ralston et al. does not explicitly disclose registering service providers for on-line appointments over the global computer network, said registering providing appointment availability information for the registered service providers. However, it is old and well known in the art to have service providers register for a scheduling system. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have the service providers register as it allows the system to having scheduling information about the provider in order to match the customer to an appointment time as disclosed in Ralston et al.'s system.

As per claim 30, Ralston et al. discloses a method as recited in claim 29, wherein said registering of the service providers over the global computer network identifies at least offered services, available appointment times, contact information for the registered-service providers (see column 5, lines 17-60, the service providers information is given over the computer network).

As per claim 31, Ralston et al. discloses a method as recited in claim 29. Ralston et al. discloses users providing information over the global network to schedule an appointment (see column 4, lines 46-64). Ralston et al. does not explicitly disclose registering users for on-line calendars over the global computer network. However, Dean et al. discloses scheduling appointments using on-line calendars (see abstract, and column 2, lines 15-21, and 42-56). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have Dean et al.'s on-line calendars for scheduling appointments in Ralston et al.'s system as it allows a both users to quickly and efficiently access their appointment times and other needed information.

As per claim 32, Ralston et al. discloses a method as recited in claim 31. Ralston et al. does not explicitly disclose wherein said method further comprises: providing an on-line calendar for each of the registered users and the registered service providers. However, Dean et al. discloses an on-line calendar for users and service providers (see abstract, and column 2, lines 15-21, and 42-56). Therefore, it would have been obvious

Art Unit: 3623

to one of ordinary skill in the art at the time of the invention to have Dean et al.'s on-line calendars for scheduling appointments in Ralston et al.'s system as it allows a users to quickly and efficiently access their appointment times and other needed information.

As per claim 33, Ralston et al. discloses a method as recited in claim 32. Ralston et al. does not disclose scheduling the on-line appointments includes placing appointment indications on the on-line calendars of the associated ones of the registered service providers and the users. However, Dean et al. discloses scheduling appointments using on-line calendars (see abstract, and column 2, lines 15-21, and 42-56). It is old and well known in the art to place appointment indicators on calendars to show that an appointment is scheduled during a specific time period. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have Dean et al.'s on-line calendars have appointment indication for scheduled appointments using Ralston et al.'s system as it allows users to quickly and efficiently access and remember their appointment times by viewing their calendar.

As per claim 34, Ralston et al. discloses a method as recited in claim 32. Ralston et al. does not explicitly disclose wherein said providing of the on-line calendars and said scheduling of the on-line appointments are without cost to the users. However, it is old and well known in the art to not charge users for using an appointment software system. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to not charge users for the automated scheduling system as the

Art Unit: 3623

purpose of this system is to benefit the service provider by encouraging more users to use their services.

Ralston et al. also does not explicitly disclose wherein at least one of said registering, said providing of the on-line calendars and said scheduling of the on-line appointments is fee-based to the service providers. However, it is old and well known in the art to charge service providers with a fee for using an appointment software system. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to disclose charging service providers a fee for the automated scheduling system as one often has to pay for services rendered by a machine or automated system.

As per claim 35, Ralston et al. discloses a method as recited in claim 29. Ralston et al. does not explicitly disclose wherein said method further comprises providing an on-line directory of service providers. However, it is old and well known in the art to have an on-line directory of available service providers. Therefore, it would have been obvious to one of ordinary skill in the art to disclose an on-line directory of available service providers as it allows the user to easily access the different service providers to schedule appointments using Ralston et al.'s online scheduling system.

As per claim 36, Ralston et al. discloses a method as recited in claim 35, wherein said method further comprises: providing a search facility that users can search for a particular service provider by searching through the on-line directory, wherein once the

Art Unit: 3623

particular service provider is found using the search facility, said scheduling of an on-line appointment between a user and the particular service provider over the global computer network (see abstract and column 4, lines 17-49, an appointment is scheduled on-line with the service provider).

Response to Arguments

5. Applicant argues that 1) there is no motivation to combine Ralston et al. with Dean et al; 2) in claim 9, Ralston et al. and Dean et al. do not teach providing or updating a user's electronic calendar or an electronic calendar of a service provider with which an appointment has been scheduled; 3) in claim 14, Ralston et al. does not teach registering service providers over the global computer network to identify at least offered services, appointment hours, contact information for the registered service providers; 4) in claim 14, Ralston et al. and Dean et al. do not teach providing an on-line calendar for each of the registered service providers; 5) in claim 20, Ralston et al. and Dean et al. do not teach or suggest providing storage and access to calendars of various users to enable users to request appointments and have such appointments confirmed; 6) in claim 25, Ralston et al. and Dean et al. do not teach or suggest maintaining on-line calendars for registered users, with the calendars including scheduled appointments or events for the respective registered user; and 7) in claim 29, Ralston et al. and Dean et al. do not teach or suggest registration of service providers with their appointment availability.

6. In response to argument 1, there is motivation to combine Ralston et al. with Dean et al. as both references teach the scheduling of appointments. Ralston et al. discloses the idea of scheduling appointments within the confines of various limitations and constraints. Dean et al. also discloses scheduling appointments within constraints and limitations. Dean et al. expands on this concept by teaching the idea of placing

Art Unit: 3623

these appointments on a calendar for a specific user and/or service provider. These calendars, taught by Dean et al. provide the service provider and a user to easily view their appointments that are taught Ralston et al.

Furthermore, in response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992).

In response to argument 2, Ralston et al. and Dean et al. teach providing or updating a user's electronic calendar or an electronic calendar of a service provider with which an appointment has been scheduled. Ralston et al. teaches, in the abstract and summary of the invention, scheduling an appointment. Ralston et al. does not explicitly disclose updating the user's electronic calendar with the appointment and updating an electronic calendar for the selected one of the available service providers with the appointment as Ralston does not explicitly disclose the use of a calendar. However, Dean et al. does disclose, in the abstract and column 2, lines 15-21, and 42-56, updating the users and service providers' calendars with the appointment. On column 2, lines 48-56, describe how a scheduling update is performed on a user's calendar. This schedule is updated on both the users and the service provider's calendars. Therefore,

Art Unit: 3623

it would have been obvious to one of ordinary skill in the art at the time of the invention to have Ralston et al.'s on-line appointment system have an electronic calendar where the calendar would be updated to display the appointment on both the user's and the service provider's calendar as it is functions as a visual written reminder of the appointment for both the user and the service provider.

In response to argument 3, Ralston et al. teaches registering service providers over the global computer network to identify at least offered services, appointment hours, contact information for the registered service providers. Ralston et al. does teach that the scheduling of the appointments, for the offered services, is completed over the internet in column 2, lines 40-46, and column 4, lines 38-44. Ralston et al. also teaches, in column 5, lines 17-59, that the services are only offered at certain hours. The service providers in Ralston et al. are inherently registered and their contact information must be given in order for a user to make an appointment. The service providers (facilities) are registered users on the on-line appointment system as they are listed on the internet and the user chooses a provider to set-up an appointment. The service providers contact information is inherently provided to allow the user to make an appointment.

In response to argument 4, Ralston et al. and Dean et al. together do teach providing an on-line calendar for each of the registered service providers. Both Ralston et al. and Dean et al. do teach that the setting up of appointments is implemented over

Art Unit: 3623

the internet. Ralston et al. discloses this on-line calendar in column 2, lines 40-46, and column 4, lines 36-44. Ralston et al. also teaches having registered service providers as discussed in response to argument 3 (above). Ralston et al. does not explicitly teach each registered service provider having their own calendar. However, Dean et al. does teach, in both the abstract, and column 2, lines 15-21, and 42-56, providing each user (or service provider) with a calendar for appointments. Therefore, it would have been obvious to one of ordinary skill in the art to each registered service provider to have their own calendar as it would increase their ease of scheduling appointments with users. Furthermore, as Ralston et al. already teaches the registered service providers scheduling appointments, it would be obvious for each provider to each have their own calendar so the service provider could more efficiently know their schedule.

In response to argument 5, Ralston et al. and Dean et al. together do teach providing storage and access to calendars of various users to enable users to request appointments and have such appointments confirmed. Ralston et al. teaches the requesting and confirmation of appointments and the storage of this information in a computer. In column 5, lines 17-67, through column 6, lines 1-24, Ralston et al. discloses that the users can request appointments and confirm them with the service providers. However, Ralston does not explicitly disclose that the appointments are displayed on a calendar. Dean et al. teaches the use of appointments in calendars in the abstract and column 2, lines 15-21, and 42-56. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have Ralston et

Art Unit: 3623

al.'s on-line appointment system have an electronic calendar as way to display the appointments that would be useful for both the user and the service provider.

In response to argument 6, Ralston et al. and Dean et al. teach maintaining on-line calendars for registered users, with the calendars including scheduled appointments or events for the respective registered user. Ralston et al. discloses in column 5, lines 61-67, through column 6, lines 1-27, scheduled appointments or events for the respective user. Ralston et al. does not explicitly disclose maintaining on-line calendars for the registered users. However, Dean et al. discloses maintaining on-line calendars for users in scheduling appointments (see abstract, and column 2, lines 15-21, and 42-56). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have Dean et al.'s on-line calendars for scheduling appointments in Ralston et al.'s system as it allows a both users to quickly and efficiently access their appointment times and other needed information.

In response to argument 7, Ralston et al. and Dean et al. do teach the registration of service providers with their appointment availability. However, as discussed above, service providers are inherently registered on Ralston et al.'s system as the user must make an appointment with a known service provider. Furthermore, it is old and well known in the art to have service providers register for a scheduling system. Ralston et al. also teaches determining appointment availability of the service providers based on their constraints as disclosed in column 5, lines 17-59.

Therefore, based on the reasons stated above, the Applicant's arguments are not found persuasive and the § 103 rejections are maintained.

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Art Unit: 3623

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Rebecca Bachner** whose telephone number is 703-305-1872. The examiner can normally be reached on Monday - Friday from 8:30am to 5:00pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Tariq Hafiz** can be reached on **(703)305-9643**.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the **Receptionist** whose telephone number is **(703) 308-1113**.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington D.C. 20231


or faxed to:

(703) 305-7687 Official communications; including After Final communications labeled "Box AF"

(703) 746-7306 Informal/Draft communications, labeled "PROPOSED" or "DRAFT"

Hand delivered responses should be brought to Crystal Park 5, 2451 Crystal Drive, Arlington, VA, 7th floor receptionist.

RMB
RMB
April 8, 2003


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SUPERVISORY PATENT EXAMINER
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